

Listing of the Claims

The following listing of claims replaces all previous listings or versions thereof:

1. (Currently amended) ~~A Recombinant~~recombinant animal virus derived from a virus which naturally not uses humans or other animal species as a host or dead-end host, being replication-competent or -deficient in and having the ability to transduce primary cells *in vitro* with a multiplicity of infection of less than 1, said primary cells derived from organisms being not the natural or dead-end host.
2. (Currently amended) The recombinant animal virus according to claim 1, further having the ability to efficiently transduce cells *in vivo* at low particle numbers in the range of less than 10^6 to 10^8 particles per organism.
3. (Currently amended) The recombinant animal virus according to claim 2, wherein the transduction results in a biologically measurable induction of an immune response, expression of a transgene product sufficient to induce preventive or therapeutic or diagnostic effects in the treated organism.
4. (Currently amended) The recombinant animal virus according to ~~any of the preceding claims~~claim 1, said virus being an equine herpesvirus.
5. (Currently amended) The recombinant animal virus according to ~~any of the preceding claims~~claim 1, wherein said primary cells are derived from human beings, pet animals or livestock.
6. (Currently amended) The recombinant animal virus according to ~~any of the preceding claims~~claim 1, comprising a transgene.

7. (Currently amended) The recombinant animal virus according to ~~any of the preceding claims~~claim 1, lacking at least one gene which is essential for replication in its natural host or cells or cell lines derived thereof.

8. (Currently amended) The recombinant animal virus according to ~~any of the preceding claims~~claim 1, comprising ORI_S and/or ORI_L, and the packaging (pac) sequences.

9. (Currently amended) ~~Use of the recombinant animal virus according to any of the preceding claims for the preparation of a pharmaceutical or diagnostic agent or a vaccine to treat or diagnose or immunise against~~A method of treating or preventing a disease, wherein said~~comprising administering to a subject in need thereof a derived from a virus which naturally not uses humans or other animal species as a host or dead-end host, being replication-competent or -deficient in and having the ability to transduce primary cells *in vitro* with a multiplicity of infection of less than 1, said primary cells derived from organisms being not the natural or dead-end host, wherein said~~ recombinant animal virus is administered ~~to the treated subject at low particle numbers in the range of less than 10⁶ to 10⁸ particles per dosage.~~

10. (Canceled)

11. (Currently amended) ~~A Primary cells~~primary cell transduced with the recombinant animal virus according to ~~any one of claims 1 to 8~~claim 1.

12. (Currently amended) ~~A Packaging cell lines~~packaging cell line harboring at least one recombinant animal virus according to ~~any one of claims 1 to 8 lacking~~claim 1, wherein said recombinant animal virus lacks virus packaging sequences, ORI_S and/or ORI_L, but provides and complements the required and essential genes removed from the vectors for virus DNA packaging *in trans*.

13. (New) A method of treating or preventing a disease, ~~wherein said~~comprising administering to a subject in need thereof a derived from a virus which naturally not uses humans or other animal species as a host or dead-end host, being replication-competent or -deficient in

and having the ability to transduce primary cells *in vitro* with a multiplicity of infection of less than 1, said primary cells derived from organisms being not the natural or dead-end host, wherein said recombinant animal virus is administered at low particle numbers in the range of less than 10^6 to 10^8 particles per dosage.